

1 INTRODUCTION

1.1 PURPOSE OF THE EIR

The City of Santa Clara has prepared this Draft Environmental Impact Report (Draft EIR) to provide responsible and trustee agencies and the public with information about the potential environmental effects of the proposed Santa Clara Gardens Development Project (proposed project), formerly known as the 90 North Winchester Development Project. This Draft EIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended through Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). An EIR is a full disclosure, public information document in which the significant environmental impacts of a project are evaluated, feasible measures to mitigate significant impacts are identified, and alternatives to the project that can reduce or avoid significant environmental effects are discussed.

An EIR is an informational document used in the planning and decision-making process by the lead agency and responsible and trustee agencies. The lead agency is the public agency with primary responsibility over the proposed project. In accordance with State CEQA Guidelines Section 15051(b)(1), “the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” The lead agency for the proposed project is the City of Santa Clara (lead agency).

The purpose of an EIR is not to recommend either approval or denial of a project. CEQA requires decision-makers to balance the benefits of a project against its unavoidable environmental effects in deciding whether to carry out a project. The lead agency will consider the Draft EIR, comments received on the Draft EIR, and responses to those comments before making a decision. If environmental impacts are identified as significant and unavoidable, the lead agency may still approve the project if it determines that the social, economic, or other benefits outweigh the unavoidable impacts. The lead agency would then be required to prepare “Findings” and a “Statement of Overriding Considerations” that discuss the specific reasons for approving the project, based on information in the EIR and other information in the record.

1.2 SCOPE OF THE EIR

Pursuant to Section 15143 of the State CEQA Guidelines, a lead agency may limit the EIR’s discussion of environmental effects to specific issues where significant effects on the environment may occur. The lead agency used a variety of information to determine which issue areas would result in potentially significant or significant effects on the environment. This information included field surveys of the project site, review of project characteristics, comments from public and agency consultation, and comments received on the Notice of Preparation (NOP). An NOP was circulated to public agencies and the public on July 18, 2003, for a 30-day review period. A revised NOP for the project evaluated in this Draft EIR was

circulated to public agencies and the public on April 23, 2004, for a 30-day review period (see Appendix A of this Draft EIR). A public scoping meeting was held on October 3, 2005 to receive agency and public comments on the scope and content of the EIR. Comments received on the NOP, Revised NOP and during the public scoping meeting are included in Appendix A. Review of the NOP, Revised NOP and public scoping meeting comments and preliminary analysis indicate that some environmental issue areas of the project may result in significant adverse effects on the environment. These issue areas include land use and agricultural resources, visual resources, air quality, biological resources, hazards and hazardous materials, noise, transportation, hydrology and water quality, earth resources, cultural resources, population and housing, public services, recreation, and utilities and service systems. Consequently, the scope of this Draft EIR focuses on these issue areas.

Based on the NOP, revised NOP, public comments on the NOP and revised NOP, comments received during the public scoping meeting, and preliminary analysis, the project would have less-than-significant impacts in the environmental issue areas listed below. These issues are not evaluated further in this Draft EIR.

1.3 EFFECTS FOUND NOT TO BE SIGNIFICANT

This section contains a discussion of the environmental effects found not to be significant pursuant to the State CEQA Guidelines Section 15128, which provides that “[a]n EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” The following effects were found not to be significant and are not included in the detailed analysis of potential project impacts. A summary of the reasons for excluding these issues from further consideration is provided below.

1.3.1 MINERAL RESOURCES

The project site is not located in a known mineral resource recovery zone, nor are any mineral resources that would be of value to the region or the state known to underlie the project site. Therefore, development of the project would have no effect on the availability of known mineral resources.

1.3.2 RECREATION

One element of the project is the provision of one acre of public park land on the project site to serve future residents and existing surrounding neighborhood residents of the development. Further, an open space area would be provided for the residents of the senior housing facility. These recreation facilities would adequately serve the proposed development and would exceed typical recreation amenities required by the City of Santa Clara. The project would have a beneficial impact on recreation in the general vicinity of the project site because recreational and full public use of the site is not currently permitted. The project would not result in the need for new or expanded recreational facilities above what is proposed

and evaluated in this Draft EIR. As a result, recreational impacts of the project are not evaluated further in this Draft EIR.

1.3.3 NIGHTTIME LIGHTING

The project includes the installation of residential pole-mounted street lighting around roadways in the project site. As in the existing surrounding residential areas, proposed residences would likely have decorative lighting and wall-mounted security lighting installed around the perimeter of the home. The proposed lighting sources would be of the same height and intensity as surrounding neighborhood light sources and would comply with City of Santa Clara standards for light fixtures that require fixtures to reflect light away from adjoining residential properties and public streets. Further, the project's lighting sources would not contribute a substantial amount of light and glare in the project area. The project's nighttime lighting impacts would be less than significant and are not evaluated further in this Draft EIR.

1.4 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The City of Santa Clara is the lead agency with primary authority for approval of the project. Additional agencies (listed below) with potential permit or approval authority over the project, or elements thereof, will have the opportunity to review this document during the public and agency review period, and will use this information in consideration and issuance of any permits required for the project.

Public agencies with known permits, other approvals, or jurisdiction by law over resources on the site include but may not be limited to:

Lead Agency

- ▶ City of Santa Clara

State Responsible Agencies

- ▶ State of California Department of General Services (DGS)
- ▶ California Department of Toxic Substances Control (DTSC)
- ▶ State of California Regional Water Quality Control Board (RWQCB)
- ▶ California Department of Transportation (Caltrans)

State Trustee Agencies

- ▶ California Department of Fish and Game (DFG)
- ▶ State of California Department of Conservation, Division of Land Resources Protection (DLRP)

Local Responsible Agencies

- ▶ City of Santa Clara Redevelopment Agency
- ▶ City of San Jose
- ▶ Santa Clara Valley Water District

1.5 PUBLIC REVIEW PROCESS

This Draft EIR is being circulated to local, state, and federal agencies, and to interested organizations and individuals who may wish to review and comment on the report. This Draft EIR is being circulated for a 45-day public review period, during which time written comments will be received by the City of Santa Clara at the following address:

Kevin Riley, AICP, Director of Planning and Inspection
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Fax: (408) 247-9857
Email: kriley@ci.santa-clara.ca.us

Copies of the Draft EIR can be found at the following addresses:

City of Santa Clara Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050

Santa Clara City Library
2635 Homestead Road
Santa Clara, CA 95051

1.6 TERMINOLOGY USED IN THE EIR

This Draft EIR includes the following terminology to denote the significance of environmental impacts of the proposed project:

Beneficial Impact: A beneficial impact is one that would improve or otherwise enhance the surrounding environment. This impact level does not require mitigation.

Less-than-significant Impact: A less-than-significant impact is one that would not result in a substantial and adverse change in the environment. This impact level does not require mitigation.

Significant Impact: CEQA Section 21068 defines a significant impact as one that causes “a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by the project.” Feasible mitigation measures or alternatives to the proposed

project must be considered to reduce the magnitude of significant impacts to less-than-significant levels.

Potentially Significant Impact: A potentially significant impact is one that, if it were to occur, would be considered a significant impact as described above; however, the occurrence of the impact cannot be definitely determined. For CEQA purposes, a potentially significant impact is treated as if it were a significant impact and would require mitigation.

Significant and Unavoidable Impact: A significant and unavoidable impact is one that would result in a substantial adverse effect on the environment that cannot be feasibly mitigated to a less-than-significant level. A project with significant unavoidable impacts can still be approved, but the city would be required to prepare a Statement of Overriding Considerations, pursuant to State CEQA Guidelines Section 15093, explaining the social, economic, or other benefits of the project that outweigh the significant environmental impacts.

Thresholds of Significance: A criterion to define at what level an impact would be considered significant. A criterion is defined based on examples found in CEQA or the State CEQA Guidelines, scientific and factual data relative to the lead agency jurisdiction, views of the public in affected areas, the policy/regulatory environment of affected jurisdictions, and other factors.

1.7 EIR ORGANIZATION

This Draft EIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Section 4.1, Land Use and Agricultural Resources).

Chapter 1, Introduction. Chapter 1 describes the purpose and organization of the Draft EIR, context, and terminology used in the Draft EIR.

Chapter 2, Executive Summary. Chapter 2 summarizes the project description, alternatives to the project, significant environmental impacts that would result from the project, and mitigation measures proposed to reduce or eliminate those impacts.

Chapter 3, Project Description. Chapter 3 describes project location, background, proposed actions by the applicants, lead agency, Trustee and Responsible Agency actions, project characteristics, and project objectives. This chapter also describes project construction and regulatory requirements.

Chapter 4, Existing Conditions, Thresholds of Significance, Environmental Impacts, and Mitigation Measures. For each environmental issue area, this chapter describes the existing environmental setting, discusses the environmental impacts associated with the proposed project, and identifies mitigation for the impacts.

Chapter 5, Cumulative Impacts. This chapter contains a discussion of cumulative impacts that would result from the proposed project in combination with reasonably foreseeable projects in the project area.

Chapter 6, Other CEQA-Mandated Sections. The potential for the project to foster economic or population growth, or remove obstacles to growth are evaluated in Chapter 5. Project and cumulative impacts that cannot be mitigated to a less-than-significant level are also documented in this chapter.

Chapter 7, Alternatives to the Proposed Project. This chapter describes alternatives to the project, at a level consistent with CEQA requirements; State CEQA Guidelines Section 15126.6(d). This chapter presents brief descriptions of alternatives that could mitigate the project's environmental impacts while meeting most of the project's objectives. This chapter also describes alternatives previously considered and rejected.

Chapter 8, References. This chapter sets forth a comprehensive listing of all sources of information used in the preparation of the Draft EIR, including agencies or individuals consulted during preparation of the Draft EIR.

Chapter 9, Report Preparation. This chapter identifies the Draft EIR authors and consultants who provided analysis in support of the Draft EIR's conclusions.

Appendices. Appendices contain various technical reports, letters, official publications, summarized or otherwise used for preparation of the Draft EIR.